ALEXANDRIA GAZETTE AND VIRGINIA ADVERTISER.

ALEXANDRIA, VIRGINIA.

WEDNESDAY, MARCH 3, 1875.

The Richmond Whig, after counselling moderation and forbearance on the part of the white people now that the iniquitous Civil Rights bill has become a law, thereby disappointing and discomforting the conspirators against the public peace and liberty, says: "There are some of the more intelligent, sagacious, and thoughtful of the black people, who, however far they may be from reaching into the depths of the future and seeing the conclusion of it all in the end, have a sufficient appreciation of the immediate surroundings of the situation, and enough of self-respect, we trust, to induce them to discountenance all insolent intrusions upon the proprieties of social life as it is now in the South, and in the name of peace, and for the sake of the existing relations between the two races, to repress as far as practicable any swaggering bravado, or insulting invasion of personal rights, to which others of their color may be moved, either by the machinations of bad white men behind them, or by their own disposition to exemplify their liberties in a license that cannot be endured."

The House of Representatives, last night, by a vote of 149 yeas to 80 nays, adopted Judge Poland's report on affairs in Arkansas, which recommends that no interference with the existing State Government is deemed necessary. This was opposed by Mr. Ward, who moved the minority report of the committee made by himself, declaring that Brooks was legally elected Governor under the Constitution of 1868, and entitled to serve until the end of his term in 1877. This was rejected by yeas 80, nays 153. Gen. Butler then began to filibuster. He first moved and secured a yea and nay vote to lay Judge Poland's report on the table, which failed. He then moved to reconsider the vote, but Speaker Blaine did not entertain it, but brought the House to a direct vote on the majority report of the committee. During the pendency of the proceedings the two Arkansas Senators were on the floor, but left in disgust when Mr. Ward's proposition was rejected. They thought with the support of the President they could easily carry it through. Dawes, Garfield, Hale of Maine, Hawley, of Connecticut, and many of the leading Republicans voted in suppot of the Poland report.

Captain General Concha has sailed from Havana for Spain. He issued a proclamation before his departure, in which he says: "I leave you less prosperous than you were in 1852 and 1859, as the insurrection still devastates extensive, although principally barren, portions of the island. I did not promise you on my arrival to liberate you from this evil, for I said the war had lasted and might be prolonged, owing to its peculiar conditions. But the character of the war has changed." The Captain General refers to foreigners commanding the enemy, terms the insurgents bandits, and declares their plans in the Cinco Villas district have been frustrated. He closes by telling the people that in order to restore peace in the island it will be necessary for them to sacrifice part of their fortunes, pay the public debt, and maintain the army and navy in an efficient condition. The soldiers, volunteers and firemen are complimented for their patriotic services.

Adjutant General Lorenzo Thomas, died in Washington yesterday in the 72nd year of his age. During President Johnson's administration he was the *ad interim* secretary of war, but never exercised the duties of the office, because Stanton would "stick." Gen. Thomas was born at Newcastle, Del., in 1804. He entered at West Point when sixteen years of age, and graduating four years after, became on the 1st of July, 1823, a second lieutenant of the 4th infantry. His first active service in the field was in the Florida war in 1842. After that he held prominent positions in the army during the Mexican war, serving on the staffs of General William O. Butler, of Tennessee, and Gen. Taylor, and after that he was attached to the staff of Gen. Scott, and stationed in New York. During the late war, and after the resignation of Gen. Cooper, he was made adjutant general of the army.

In the Senate, yesterday, the Revenue bill was taken from the table and Mr. Merrimon offered an amendment striking out the second section taxing tobacco, which was rejected. Senator Johnson moved to strike out the contract clause regarding tobacco, which was rejected. The bill was then brought out of the Committee of the Whole and put before the Senate on the question of Mr. Johnston's amendment, adopted in committee, against taxing the stock of tobacco on hand, and was the only amendment adopted in Committee of the Whole. In the full session of the Senate it was rejected, leaving the bill as passed by the House. After several speeches the bill was passed precisely as it came from the House.

The Washington correspondent of the Baltimore American says:—"President Grant and the Cabinet spent the greater part of yesterday at the Capitol. The President emphatically denied that he had waived the possibility of calling an extra session. He puts the line of demarcation on the point as to whether or not the Sundry Civil Appropriation bill is passed. If that fails he will certainly call an extra session; but if only the Deficiency and River and Harbor Appropriation bills should not be passed, he would not be likely to call an extra session, unless between now and November he should be convinced of the existence of some greater necessity than he now foresees."

The tax bill is under consideration in the House of Delegates. It fills sixty six printed pages and contains 110 sections. It will occupy the House for several days, although the matter and the principles involved are pretty much the same as characterized the bill passed last session.

Mr. Armstrong moved to amend section 20 (tax on merchants) by striking out "forty," and inserting "sixty," so that it will read, "and for all purchases over $2,000 and less than $60,000, there shall be paid a tax of one half of one per centum," etc.

Mr. Williams offered a substitute for the section, so as to provide a tax of one-third of one per ct. on all purchases over $2,000 and less than $40,000; 25 cts. on $100 on all purchases over $40,000 and less than $60,000; $60,000 to $80,000, 20 cts.; $80,000 to $100,000, 15 cents, etc.

After much debate the section was passed by.

At a meeting of the British Association in Richmond the other day it was recommended to the General Assembly that Gov. Kemper be appointed a commissioner to proceed to England to represent to intending immigrants the advantages Virginia possesses. If the $10,000 just appropriated by the General Assembly for the encouragement of immigration is inadequate to meet all expenses the Association will contribute of their means if their suggestion as to Gov. Kemper is accepted.

President Grant and Secretary Bristow were at the Capitol yesterday and endeavored all in their power to convince members of Congress that the Revenue bill must be passed in order to keep good the national promise to foreign bondholders, and to prevent the troubles to the Government that might arise from the neglect of the Sinking Fund requirement. They also urged the local necessities involved in the passage of the River and Harbor Appropriation bill.

A dispatch from Richmond says that some of the negroes there are beginning to exercise their rights under the Civil Rights bill. During yesterday several parties visited various restaurants, including the bar-room at the Exchange Hotel, and in one instance a barber shop, and demanded to be waited upon. They were refused in every instance and ordered out. Nothing is known as to what the parties thus treated will do.

There are three appropriation bills still pending in Congress. The Senate has before it the Sundry Civil bill and the River and Harbor bill, and the House has not yet disposed of the Deficiency bill. The first of these three is necessary to the carrying on of the Government, and Washington dispatches indicate that if the two Houses do not get through with it by Thursday an extra session may be called by the President.

Dr. De Koven's confirmation as Bishop of Illinois is becoming problematical. The Standing Committees of four other dioceses have passed upon his case, and Alabama is the only one which has decided in his favor. The Standing Committee of the New York Diocese yesterday voted against De Koven, and at the same time decided against Dr. Jaggar, whose nomination to the Southern Ohio Bishopric is still unconfirmed.

The Lynchburg Virginian says that Edward, son of Mr. E. R. Baylor, of Glade Spring, aged about fifteen years, while gunning on Monday of last week was mortally wounded by the discharge of his gun. He was creeping through a fence, and while drawing the gun after him, it was discharged, lodging the contents in his breast. He lingered till Tuesday morning.

The Baltimore and Ohio and Pennsylvania Railroads have further reduced their rates of fare to points west. A telegram from New York reports that an effort is being made by leading railroad officials at New York to bring about a compromise of the difficulties between the two companies.

The State Treasurer of Maryland gives notice that the transfer books of the State will be closed on the 10th of March, 1875. No transfers will be made after that date until the 18th of April, 1875, except the Maryland Defence Loan, the Hospital Loan, and the Maryland State Loan.

Thomas, of Henry county, was the only native Republican from Virginia who voted for the infamous Force bill that passed the House on Saturday night. Sener, of the Fredericksburg District, and Smith of the Richmond District, voted against it.

The grand jury of the Hustings court, of Richmond, have found an indictment against Samuel F. Maddox, a radical State Senator, for swindling Robert Beattle of $42.

Rev. W. D. Hatcher of Petersburg has been chosen pastor of the Grace street Baptist church in Richmond, to fill the vacancy caused by the resignation of Rev. N. W. Wilson,

Henry Fowler, a colored porter of the National Bank of Virginia, in Richmond, disappeared mysteriously on Friday night. On Sunday his body was found in the river.

Senator Lewis, yesterday received a telegram announcing the dangerous illness of his sister at Winchester, Va., and left at once for that place.

Mr. W. D. Quesenberry, of Caroline county has been elected President pro tem of the State Senate in place of Judge Thomas, elected Lieutenant Governor.

The internal revenue collections in the Richmond district for February amounted to $583,077.02 of which $578,086 95 was for tobacco stamps.

Mr. John Toombs, a well known citizen of Fredericksburg died in that place on Thursday in the 64th year of his age.

Mrs. Jefferson Kinney, who lives near Staunton, lost on last Thursday night, 25 out of a flock of 30 sheep, by dogs.

A public house in Baltimore was closed up yesterday on account of the Civil Rights bill.

The Governor has appointed H. T. Garrison a notary public for Stafford county.

The Court of Appeals of Virginia meets in Richmond on the 9th.

SPEECH OF HON. EPPA HUNTON, OF VIRGINIA.

In the House of Representatives, on Wednesday, February 4, on the bill to protect all citizens in their civil and legal rights, Mr. Hunton, of Virginia said:

Mr. Speaker, so much has been said on the civil-rights bill that but little can be uttered now either new or interesting. And yet I do not feel at liberty to suffer a vote to be taken without at least a protest against it. This bill is designed as one of the series of laws passed by the dominant party to reconstruct the Southern States after the war. It will be instructive to trace this legislation and to ascertain whether it has not been an absolute failure, and if so, whether Congress should not hesitate before passing this the most damaging and insulting of the series. When the war ended what was the condition of the people of the ten Southern States which attempted to withdraw from the Union? They were stripped of all their personal property; they had nothing left but their lands and their debts: in many instances these lands had been devastated by the contending armies.

Scarcely can be found on record an instance where a people so honestly "accepted the situation" after a great war, and so earnestly went to work to repair their broken fortunes and provide for the necessities of their families.

In illustrating the effects of the policy of reconstruction I shall mainly speak of Virginia, my own State, the one least affected by this policy.

When the war ended the people of Virginia found that our grand old State had been dismembered and one-third of her territory torn from her by revolutionary means: her own State government driven out at the point of the bayonet, and what was known as the Pierpoint government took possession of the State. This government in both branches of its Legislature consisted, I believe, of thirteen persons elected by a few citizens in a few of the counties along the border of the State under the control of the Federal Army. The Virginians submitted quietly, peacefully to this government, obeyed its laws, held elections under it, and sent a full Legislature to Richmond at the close of the year 1865. But this government was too mild in the opinion of the party controlling the Federal Government for a subjugated people: the laws were enforced too tamely. Pierpoint was removed and H. H. Wells, a stranger to the State, was appointed in his stead without even the pretense of law.

The thirteenth amendment to the Constitution was adopted. This was ratified by Virginia, as one of the sovereign States, and abolished slavery in the State. It was not enough to deprive us of property in our slaves which we all accepted as the legitimate result of the war, but we had by the adoption this amendment to present the appearance of indorsing and agreeing to the wrong. We hoped this would suffice and that we would be left in peace to rehabilitate our State government and repair our wasted fortunes. But no; republican vengence was not near sated. On the 16th day of June, 1866, the Congress of the United States adopted a joint resolution proposing another—the fourteenth amendment to the Constitution—the sole object of which was the oppression and prostration of the Southern States and to take the State governments from the hands of their own people and place them in the hands of carpet-baggers and the lately emancipated slaves, too recently emancipated to be capable of exercising the functions of electors or lawmakers.

The third and most objectionable section of this amendment is in these words:

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

By it many, nay, most, of our best and most experienced people were proscribed, and the offices thrown into the hands of inexperienced young men, who had engaged in the "rebellion" to the same extent as the others but were too young to hold offices requiring the oath before the war.

This resolution was never submitted to President Johnson for his approval or veto, but was transmitted directly to the States. It required for the ratification of it twenty-eight States before it became a part of the Constitution. Twenty-two ratified, two did not act, and thirteen, consisting of Kentucky, Delaware, Maryland, and the ten States lately the Confederate States, refused to ratify it. It was then maintained, I believe for the first time, that these ten States were not States in the Union, and the ratification by the twenty-two States was complete, and they were not to be counted in obtaining the three-fourths for ratification. Those who had therefore contended that the war was waged to preserve the Union, and to prevent these States from leaving the Union, suddenly shifted their ground and maintained that they were no longer States of the Federal Union. But well-founded apprehensions existed that this doctrine would be held erroneous when passions subsided and that this article would be decided to have no place in the Constitution. Besides this, the people in these Southern States were getting along too well and and too peacefully; there were no disorders, no bloodshed: all had comparatively good State governments. The angry passions engendered by the war were rapidly passing away. Slavery, the one idea on which the republican party had been founded, had been abolished and settled forever. There was great danger that the republican party, having accomplished its mission would die, and its party leaders sought a pretext for continuing the excitement and keeping up the bitterness between the sections. They inaugurated the reconstruction measures, a Pandora's box of evils to the South chiefly but carrying in their train widespread evil and injury to the whole country. The first of the series was approved March 2, 1867, and by the first section of it the ten Southern State were swept out of existence and divided into five military districts.

The second section assigns an officer of the Army not below the rank of brigadier-general to command each of these districts.

The third section imposed on these commanding generals the duty "to protect all persons in their rights of persons and property, to suppress insurrection, disorder, and violence and to punish or cause to be punished all disturbers of the peace and criminals." It also authorized them to organize military commissions or tribunals for the trial of offenders.

The fourth section limited the execution of the sentence of the military tribunal where it affected property or liberty till it was approved by the commanding general, and of the sentence of death till it was approved by the President.

The fifth section provides for the admission of these military districts into the Union as States:

When they had adopted a constitution framed by a convention of delegates elected by the male citizens of such States twenty one years old, of all races, color, or previous condition who had resided in the State one year and who had not been *disfranchised by participation in the rebellion* or by felony at common law; and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualification of electors of delegates herein stated; and when such constitution shall have been ratified by a majority of the persons voting on the ratfication who are qualified as electors for delegates; and when such constitution shall have been submitted to Congress for examination and approval and Congress shall have approved the same; and when said State by a vote of its Legislature elected under said constitution shall have adopted the amendment to the Constitution of the United States known as the fourteenth amendment; and when said article shall have become a part of the Constitution, said State shall be entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law; and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, That no person excluded from holding office by said proposed amendment to the Constitution shall be eligible to election to the convention or allowed to vote for members of such convention.

This act was passed over the veto of President Johnson, and when on its passage was characterized by a member of this House (Hon. Fernando Wood, of New York) as the "most damnable act of this most damnable Congress." A resolution of censure was adopted. Parliamentary usage may have been violated, but history will vindicate the truth of his denunciation of this bill. By it ten States, sovereign States, some of them embraced in the original thirteen which achieved independence, were annihilated and converted into military districts, in which property and personal liberty had no other protection than was found in a military commission; where life itself could be taken by such tribunal if its sentence was approved by the President of the United States. It would be supposed that party hate and sectional malignity would be satisfied by the provisions of this bill, and that when these "military districts" were allowed to emerge from this state of vassalage and again be admitted into the privileges of the Union they would have been permitted to come back as sovereign States. But not so. When military vassalage became insupportable, and these States were forced at any cost to get rid of it, they found their way back into the Union hedged in and surrounded by the provisos, conditions, and limitations of the fifth section. They were compelled to elect delegates to the conventions to frame constitutions in a mode prescribed by the act of Congress; compelled to allow persons to vote who theretofore had not exercised the elective franchise; compelled to exclude both from voting and membership many of their most trusted, experienced, and peaceable citizens; compelled to submit their constitutions to the examination and approval of Congress; compelled to adopt the fourteenth amendment, which hod been rejected by them; compelled to act against their will as a sovereign State in ratifying this amendment before they could be allowed any other privileges of a State; compelled in most cases by the peculiar provisions to surrender themselves for long years to the rule of carpet-baggers and the ignorant colored population. Other laws were enacted declaratory of this vile law, which made its provisions more odious and oppressive. Time would fail if I attempted to trace and comment on all.

The fifteenth amendment to the Constitution was adopted, which declares—

That the right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude.

The fourteenth amendment forces the States to accept the colored people as citizens, and the fifteenth compelled them to clothe these same colored people with the elective franchise and eligibility to office, while they deprived thousands of the best white citizens of these inestimable privileges.

By these provisions nearly all the Southern States in accepting the terms and conditions of these laws and constitutional amendments, in ridding themselves of their state of military vassalage, passed under the misrule of carpet-baggers and negroes. Some are still under this misrule, while most of them have after years of trial secured the governments to the real bona fide people of the States, and are now enjoying tolerably good governments, administered by themselves, under which all persons of whatever color are protected in the enjoyment of all their rights.

The fate of down-trodden South Carolina seems almost hopeless. Still under the State government forced upon her she remains, and will it is feared long remain, a monument to the hate of sectional malignity. Louisiana would be free but for the unauthorized and tyrannical interference of the Federal Executive. This policy of reconstruction was not the emanation of statesmanship, was not designed to restore these States to equal privileges in the Union, was not pursued to bring back material prosperity to these States; but was conceived in hatred and intended to raise up a race of voters subservient to the dictates of the radical party and designed to be the means of controlling the politics of these States. What has been the effect of this policy upon the material interests of these States? The people, borne to the very dust by the ravages of the war, stripped of their labor, with nothing but their naked lands to pay their debts and make a living for themselves and their families, have been systematically robbed and plundered by these governments forced upon them by the reconstruction policy, and which were run by persons having little or no interest in them, until many of them became bankrupt, and the people, unable to pay the taxes necessary to pay the debts contracted by these governments, are being sold out by the tax-gatherer, and their lands returned delinquent will soon be sold for the taxes due on them. The whole southern country is to-day languishing in almost hopeless bankruptcy, caused mainly by the effects of this policy of reconstruction.

The debts of these Southern States have been increased more than $200,000,000, as follows:

Alabama:	
Debts due July 1, 1861	$5,939,654 87
Debts due July 1, 1871	38,381,967 37
Arkansas:	
Debts and liabilities in 1861	4,036,952 87
Debts and liabilities in 1871	19,761,265 62
Florida:	
Debts and liabilities in 1868	528,856 95
Debts and liabilities in 1871	15,763,447 54
Georgia:	
Debts and liabilities in 1860 about.	3 000,000 00
Debts and liabilities in 1871	44,137,500 00
Louisiana:	
Debts and liabilities in 1861	10,099,074 34
Debts and liabilities in 1871	41,194,473 91
North Carolina:	
Debts and liabilities in 1861	9,699,500 00
Debts and liabilities in 1871	34,887,467 85
South Carolina:	
Debts and liabilities in 1861	4,000,000 00
Debts and liabilities in 1871	29 158,914 47
Mississippi:	
Debts and liabilities in 1861	None.
Debts and liabilities in 1870	$1,796,971 30
Tennessee:	
Debts and liabilities in 1861	20,105,606 66
Debts and liabilities in 1871	45,688,263 48
Texas:	
Do debt before the war.	
Debts and liabilities in 1871, including railroad bonds	17,000 000 00
Virginia:	
Debts and liabilities in 1861	31,938 144 59
Debts and liabilities in 1871	47,390,839 93

These debts have in many instances been diminished since the States have escaped from the clutches of the vultures who had seized the bodies-politic and preyed upon their very vitals. But what cared they for the prosperity of these States, so long as they accumulated fortunes and enjoyed their own salaries? The tax-payers on whom the State depended often had no voice in the government of the State; they were carefully excluded by the terms of reconstruction. Those who imposed the taxes paid but little, in many instances none. Take South Carolina as an example, probably as extreme as any. In 1871 the executive officers paid taxes as follows:

Governor R. K Scott	None
Lieutenant Governor L. Boozer	$15 90
Adjutant and Inspector General F. J. Moses, jr	1 00
Secretary of State F. L. Cardozo	None
Comptroller General J. L. Neagle	None
Treasurer N. J. Parker	None
Attorney General D. H. Chamberlain	None
Sup't. of Education J. K. Jillson	None

Instances without number might be given where the people have been swindled by their corrupt rulers forced upon them by the action of Congress. The effect of this State rule need hardly be told. Poverty stares the people in the face; their very heart has been crushed out; their property, the little left after the war, has been sacrificed. Thousands upon thousands have been forced into bankruptcy. The effect of all this is not confined to the debtor class. The creditor loses the debts due him, and he sinks from affluence or independence to poverty. Ruin is now staring thousands in the face who up to this time have weathered the storm. Agriculture, manufactures, and all other industries are languishing. There seems to be no relief for the present, no hope for the future.

Are the bad effects of these laws confined to Southern States? No country as a whole can thrive when a large portion of it is so crippled. When the condition of the business of the Northern and Western States, stimulated into unnatural prosperity by the war, has come down to the natural conditions of a nation at peace, we find commerce, trade, agriculture, mining, and all other industries languishing, partly, if not mainly, on account of the condition of these Southern States, which afford the market for the North. What means the cry for bread from the thousands of unemployed poor at the North? Men anxious to work, but who can find none. Look in any direction you choose, poverty and distress stare you in the face. Is any one so blind that he cannot see that this state of affairs owes its existence in a great degree to the destitution of these Southern States caused by Federal oppression and outrage?

The eyes of the people of this country are being opened to the true condition of affairs. They already begin to see the disastrous effects of republican legislation on the whole country, and that the republican party, which owed its existence and success to the prejudice against slavery, was attempting to perpetuate its power or prolong its existence by keeping alive the hatred between the sections and entailing ruin on the whole country. The elections last fall afforded some indication of the awakening of the people to the true condition of affairs. This branch of the present Congress shows a majority of about one hundred for the republican party. The Congress which succeeds this on the 4th of next March will show in this branch about seventy majority against this party. This political revolution, unexampled in the history of parties, is full of meaning. It means that the days of this party, the authors of so much misery and woe to the South, so much financial distress to the whole country, are numbered.

I beg the republican party to pause—to cease this relentless war on the people of the South. Do the leaders of this party wish further to depress the white men of the South and elevate the colored men to social equality? Why press this civil rights bill, which will be so injurious to both races? I fear the machinery of party and the party will be or have been successfully used to effect this object. The rules of this House, which have governed it for more than fifty years have been changed for the purpose of forcing this and other bills through this House to the prejudice of the South.

But whence is the power derived to pass this bill? We have been taught to believe that this Government was one of limited powers, deriving all its powers from the Constitution of the United States, and that this Federal Government had no power over any subject unless granted by the Constitution. We know that the power to pass such laws as this never was claimed till the fourteenth amendment became a part of the Constitution. Let us see briefly if any such power was given or intended to be given by that amendment. It is claimed that the first and fifth sections of this amendment gixe this power. Unless found in these two sections, the passage of this law will be a plain usurpation of power reserved to the States.

Sec 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec 5 The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The first clause of the first section makes all persons (white and colored, native and naturalized) citizens of the United States and of the State wherein they reside. This provides for two classes of citizenship, of the United States and of the State wherein they reside. The second clause provides that—

No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States.

The prohibition upon the States is against the passage or enforcement of a law which shall abridge the privileges and immunities of citizens of the United States, but not the privileges and immunities of the citizen of a State. Now, it is clear from the words of this section the privileges and immunities of the United States may be of one class and those of a State of another and quite a different class; and if this be true, then this amendment gives no power to Congress over these privileges of citizens of the State. What are the privileges of citizens of a State? Judge Washington, in the case of Corfield vs. Coryell, in 3 Washington's Circuit Court Reports, 371, thus defines them:

We feel no hesitation in confining these expressions to those privileges and immunities which are in their nature fundamental, which belong of right to citizens of all free governments, and which have at all times been enjoyed by the citizens of the several States which compose the Union from the time of their becoming free, independent and sovereign. What these fundamental principles are it would be more than difficult to enumerate. They may be comprehended, however, under the following general heads: Protection by the Government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the Government may justly prescribe for the general good of the whole.

These are the privileges and immunities of citizens of States, and they cover every one of the provisions of this bill. The privileges and immunities of citizens of the United States are to be found only in the Constitution of the United States, and no such privileges as are sought to be given in this bill can be found in the Constitution. An illustration of the privileges and immunities of citizens of the United States may be found in the fourth article of the first amendment, which says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, &c.

The power given in this amendment to legislate being confined to the privileges and immunities of citizens of the United States, Congress has no right to invade the exclusive domain of State legislation and meddle with these fundamental privileges of the citizens of the States. This view is fully sustained by the decision of the Supre Court of the United States in the celebrated Slaughter-house cases, 16 Wallace's Reports, and of the supreme court of Ohio in the case of The State vs. The City of Cincinnati, 19 Ohio, 178.

But if, by the ingenuity of construction, the language of this amendment could be made to embrace these fundamental privileges which belong alone to the citizen of the States, still the constitutional difficulty would remain. The language of the amendment is that no State shall make or enforce any such law, not that Congress may make such a law. It is a prohibition upon a State, not a power conferred on Congress. It is a power given to the courts of the Federal Government to declare unconstitutional and void any such law as may be passed by the States. It is a power given to the Federal Government only to pass upon the validity of State laws on this subject, and cannot be a power given to Congress to act by legislation directly on the persons of the State by enforcing penalties for violating its provisions.

The Constitution declares that no State shall pass a law impairing the obligations of contracts. It cannot be and never has been contended that this provision enabled Congress to meddle by legislation with the private contracts of citizens of the several States, but only gave to the Federal courts the power to declare all such laws unconstitutional and void which impair the obligations of contracts. This illustration is familiar to every lawyer. But it is maintained that the fifth section, which gives to Congress the power to enforce by appropriate legislation the provisions of the fourteenth article, gives the power to Congress to pass this bill. The power contained in this fifth section was already granted by the last clause of the eighth section of the first article of the original Constitution, which says:

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United Stases, or in any Department or officer thereof.

As well contend that this last clause authorzed the Congress to enter the wide field of legislation regulating contracts between citizens of the States as that the fifth section of the fourteenth amendment conferred on the Congress the right to pass this bill. The meaning of both is that Congress shall so provide that the Federal judiciary shall have the power and means to declare any such laws unconstitutional and void. This has already been done by the judiciary act and amendments thereto.

But this bill should not pass if the power of Congress to pass it was conceded and plain. It professes to be for the benefit of the colored man. It is believed it will be ruinous alike to the white and colred race.

I desire to say here that the white people of the South generally have no such prejudices against the blacks as are ascribed to them by the people of the Northern States. They are willing and desirous to give them protection in every right and to concede to them equality before the law; but they will resist by all legal means every attempt, whether in or out of Congress, to establish social equality between the races. There still remains much of the feeling of kindness toward the colored people which existed in the days of slavery. During the war, when the white male population was in the army, their wives and daughters were often left at home under the protection of the slaves. Many of them deserted their posts when the Federal Army approached, but I know of no instance in which this trust was betrayed by violence. When the war ended and the freedom of the slaves was an accepted fact in the Southern States, they were orderly and polite. Kindness existed between the men who but recently occupied the relation of master and slave, which relation had just been rudely sundered by the fate of war.

Not until the meanest of the northern people came among us and sowed the seeds of discontent and impertinence did we see any misbehavior on the part of the colored men. And even now, after they have been used by the republican party as political tools and sentiments of hatred to the whites have been carefully instilled into their minds, I say, without fear of successful contradiction, that no race of people, as ignorant, under the same circumstances have behaved so well. It is not prejudice or a feeling of unkindness to the colored man that influences the opposition of the southern white man to this bill, but a sincere desire for the welfare of both races and a wish to live together in peace.

We feel that peace in the South is a necessity to us. Our forbearance under so many provocations ought to satisfy the most skeptical that we are determined if possible to keep the peace. We desire, therefore, to keep away all sources of irritation, all causes of collision, many of which will follow in the train of this bill when it becomes a law.

Who does not know, who knows the colored man, that he would never have desired mixed schools, mixed sittings at hotels, theatres, in cars, in steamboats, and asylums, if he had not been industriously taught to demand them, and even now the great body of the race does not desire any such "privilege." In many, I believe in all, of the Southern States they have now the privileges of all except at hotels and in public schools and asylums.

Where is the community in the Northern States which would patronize any hotel where colored men were allowed to come to the same table and sit between man and wife? An attempt to force this on any Southern community will endanger the peace of that community. Where is the Northern hotel keeper that would like to be forced to receive colored people and give them mixed sitting with his white guests, if especially the colored guests outnumber the white, as might be the case in many localities in the South? We are impressed with the belief that the mixture of the two races in lunatic and deaf and dumb asylums will destroy them in the South, and thus break down the most useful and benificent charitable institutions in our land.

Virginia has striven honestly under a thousand difficulties to give the colored people their rights, but in some particulars, for the good of both races, has given them separate rights. She has established an asylum for colored lunatics, well provided and well governed, the first ever established in the world. But the worst feature of the various amendments to this bill is that providing for mixed public schools. Virginia has only since the war entered upon the free school system of education, and though by her Constitution she was not compelled to enter upon it till 1876, it was taken hold of at once. We in that State felt the necessity of instructing and educating the colored people, and the system inaugurated in 1871 has already attained large proportions. To appreciate fully the progress we have made in public schools you must look at our impoverished condition. A people almost bankrupt have done wonders toward educating the children of both races. By the last annual report of W. H. Ruffner, Superintendent of Public Instruction, pages 122 and 123, it will be seen that the State spent on this new system of education for the last year the following sums:

For pay of teachers	$698,246 44
For rent, fuel, lights, &c.	85 189 15
For pay of Superintendents	46,481 33
For pay of treasurers and assessors.	23,117 46
For pay of district clerks	14,142 63
Expenses of central office	5,968 21
For real estate, buildings, and repairs	120,348 86
For furniture and school apparatus.	11,405 94
Aggregating	1,004,900 02

The school population, page 117:

White	159,709
Colored	199,317

In 1874 the white attendance was only 2 per cent. better than that of the colored, and the colored attendance of 1874 was three per ct. better than the white attendance of 1873. This will show the enormous outlay for the State under the circumstances and the very favorable progress made in educating the colored people. All this has been accomplished under State laws and in separate schools. Why interfere with us? Mixed schools forced upon us by act of Congress will destroy the system of free schools, and in two years there will not be a free school in Virginia.

In this same report of our accomplished and efficient Superintendent there is a digest of the reports of county superintendents, commencing on page 42, in many of which expressions like this occur:

But should the Civil Rights bill or any bill providing for mixed schools be passed by Congress, the white people of this county will with